

Article - Natural Resources

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§5–720.

(a) (1) In this section the following words have the meanings indicated.

(2) “Burning ban” means a complete ban on all open air burning that is declared by the Secretary or the Governor as a result of prolonged or unusual conditions conducive to the easy starting and spread of fire.

(3) “Open air burning” means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.

(4) “Public officer” means:

(i) The authorized agents of the Department; or

(ii) Any police officer who is authorized to enforce the laws of the State or of a political subdivision of the State.

(b) (1) Subject to paragraph (2) of this subsection, a person may not start or allow open air burning in an area in which a burning ban imposed by the Secretary or the Governor is in effect.

(2) This subsection does not apply to:

(i) The supervised burning of buildings or solid, liquid, or gaseous fuels conducted under the direct control and supervision of qualified instructors at a training center operated by a fire department; or

(ii) Any other supervised burning conducted under the direct control and supervision of:

1. Qualified fire instructors; or

2. In Wicomico County, Worcester County, or Somerset County, a fire chief, captain, or fire line officer of a fire department that has jurisdiction over the area where the supervised burning occurs.

(c) On reasonable suspicion of open air burning on privately owned property in an area in which a burning ban is in effect, a public officer may enter on the

privately owned property of any person to extinguish the fire or to enforce the provisions of this section.

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